

Translation

PATENT COOPERATION TREATY

PCT/EP2003/010844



# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M 9213 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2003/010844	International filing date (day/month/year) 30 September 2003 (30.09.2003)	Priority date (day/month/year) 19 November 2002 (19.11.2002)
International Patent Classification (IPC) or national classification and IPC A61G 13/12		
Applicant MAQUET GMBH & CO. KG.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <div style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</div> b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <div style="margin-left: 40px;"><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div>

Date of submission of the demand 18 June 2004 (18.06.2004)	Date of completion of this report 28 February 2005 (28.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* 1-3 received by this Authority on 10 August 2004 (10.08.2004)
- pages\* 4, 5 received by this Authority on 14 January 2005 (14.01.2005)
- ☒ the drawings:
- pages \_\_\_\_\_ 1/4-4/4 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

### 2. Citations and explanations

#### I. Documents

Reference is made to the following documents:

D1: DE-C-44 06 553

D2: WO-A-99 23991.

#### II. Requirements of PCT Article 33(2) and (3) - Novelty and Inventive Step

- Document D1, which is considered the closest prior art, discloses (see figures 2-4) (the references in parentheses are to D1):

a leg plate arrangement for operating tables, with two leg plates (2) that are connected to a base element (1) of an operating table top such that they can be moved between a rest position, in which they lie close together parallel to the central longitudinal axis of the operating table, and a splayed position, in which they are distanced from the central longitudinal axis (cf. figures 2 and 3), each leg plate (2) being connected to the base element (1) via a parallelogram hinge (10, 11) with articulated axles (6, 7, 8, 9) that are oriented perpendicularly to the plane of the base element (1) (figure 4).

2. Proceeding from document D1, the present application addresses the problem of increasing the adaptability of the leg plate to various operating conditions.
3. The above problem is solved according to claim 1 in that each leg plate comprises an upper leg support and a lower leg support, each of which can be swiveled in a folding hinge about a horizontal axis relative to the base element or relative to each other, in that each upper leg support is connected, via two guides that form the parallelogram hinge, to a connection piece to which the first ends of the guides (34, 50) are coupled and which can be connected to the base element so that it can swivel about the folding axis of the upper leg support, and in that the second ends of the guides are coupled to the upper leg support on which the folding hinge of the lower leg support is formed.

Dividing the leg plate into two components expands its adaptability, and the particular arrangement of the two guides on the upper leg support and the selected placement of the two folding hinges result in both the folding axis of the upper leg support and the folding axis of the lower leg support retaining their orientation in space when the leg plates are moved away from each other or toward each other. There is no suggestion of the claimed arrangement in document D1, since D1 discloses only one-piece leg plates, or in document D2, since, although D2 describes two-piece leg plates, said document does not include any indication of a parallelogram hinge or even the arrangement of the parallelogram guides on the leg plate.

Accordingly, the subject matter of claim 1 is not only novel (PCT Article 33(2)) but also satisfies the PCT

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requirements with respect to inventive step (PCT Article 33(3)).

4. Claims 2-5 are dependent upon claim 1 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.